

**CHAPTER NO. 323**

**HOUSE BILL NO. 1402**

**By Representatives Westmoreland, McKee**

**Substituted for: Senate Bill No. 1680**

**By Senators Fowler, Clabough**

AN ACT to amend Tennessee Code Annotated Section 40-28-122, relative to parole revocation hearings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE,

SECTION 1. Tennessee Code Annotated 40-28-122 is amended by adding the following as new subsection(c) and renumbering the subsequent sub-sections accordingly:

(c) A laboratory report regarding a parolee's drug test may be admissible in any parole revocation proceeding, even though the laboratory technician who performed the test is not present to testify, when accompanied by an affidavit containing at least the following information:

- (1) The identity of the certifying technician;
- (2) A statement of qualifications from the certifying technician;
- (3) A specific description of the testing methodology;
- (4) A statement that the method of testing was the most accurate test for this particular drug;
- (5) A certification that the results were reliable and accurate;
- (6) A declaration that all established procedures and protocols were followed; and
- (7) A statement of acknowledgment that submission of false information in the affidavit may subject the affiant to prosecution for the criminal offense of perjury pursuant to Tennessee Code Annotated 39-16-702.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

PASSED: May 21, 2001

  
JIMMY RAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 30<sup>th</sup> day of May 2001

  
DON CONQUIST, GOVERNOR